

# BEST AVAILABLE COPY

11/23/2005 13:33 612-455-3801

HSML, P.C.

PAGE 03/04

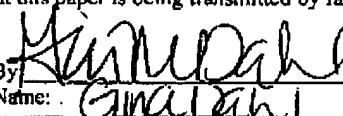
S/N 10/091,126

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	SMITH, et al.	Examiner:	CHAMBERS, T.
Serial No.:	10/091,126	Group Art Unit:	3641
Filed:	March 4, 2002	Docket No.:	13515.2US1
Title:	PNEUMATIC BALL PROPULSION APPARATUS		

CERTIFICATE UNDER 37 CFR 1.6(d): I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on November 23, 2005.

By   
Name: Kim M. Dahl

## RESPONSE

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Election of Species requirement of September 26, 2005. Applicants appreciate the Examiner's courtesy in discussing this with the undersigned on November 22, 2005. As discussed, it appears that the Election of Species requirement was issued erroneously.

The Office Action of February 14, 2005 indicated that dependent claims 18 and 19 were allowable. In the subsequent Amendment, claim 17 was amended to include the limitation of claim 18. New claims 25 and 26 were presented. Claim 25 represented previous claim 19 written in independent form, i.e. it included all of the features of claims 17 and 19. Claim 26 was identical to pending dependent claim 21, but depended from the new independent claim 25.

As claim 19 had been indicated to be allowable, it appears that no election of species should be necessary at this stage. Therefore, Applicants request that the Election of Species Requirement be withdrawn.

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PAGE 04/04

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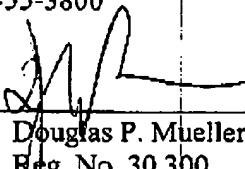
Favorable reconsideration in the form of a Notice of Allowance is respectfully requested.  
The Examiner is invited to telephone the undersigned at the below-listed telephone number if  
any issues remain that prevent the allowance of this application.

Respectfully submitted,



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By

  
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Date: November 23, 2005

DPM